

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THERESA MARIE SIMEONE, et al.,	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	
	:	
BOMBARDIER-ROTAX GmbH, et al.,	:	No. 02-4852
Defendants.	:	

ORDER

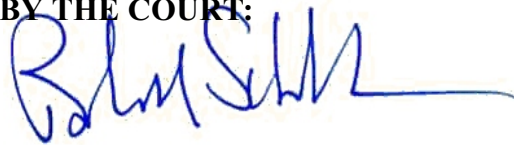
AND NOW, this 11th day of **October, 2005**, upon consideration of Plaintiffs' and Defendants' motions *in limine*,¹ and the responses thereto, it is hereby **ORDERED** that:

1. Plaintiffs' Motion in Limine to Exclude Evidence of Previous Precautionary Landing by Mr. Simeone (Document No. 58) is **GRANTED**.
2. Defendants' Motion in Limine to Preclude Evidence of Prior Accidents (Document No. 60) is **DENIED** as follows: Prior to raising the issue of other ultralight aircraft accidents to the jury, Plaintiffs must first request that the Court determine admissibility. The Court's decision regarding admissibility of the evidence will be based on a showing of substantial similarity to the accident of July 22, 2000.
3. Plaintiffs' Motions in Limine to Exclude Opinions of Officer Yatsko (Document No. 61) and to Exclude Handwritten Notes (Document No. 62) are **GRANTED in part** and **DENIED in part** as follows:

¹The Court will rule on Plaintiffs' Motion in Limine to Exclude Evidence of Interplane USA Waivers/Releases in a separate Memorandum and Order.

- a. The single page of handwritten notes from an unknown source that accompanies two pages of Officer Yatsko's handwritten notes is excluded from evidence.
 - b. Officer Yatsko may testify only as to facts that he personally observed, and he is prohibited from offering any opinions about causation.
4. Plaintiffs' Motion in Limine to Preclude Reference to Agreement between Donald Sommer and the FAA (Document No. 63) is **GRANTED**.
5. Plaintiffs' Motion in Limine to Exclude Evidence of Shipping Damage to the Interplane Skyboy Aircraft (Document No. 64) is **GRANTED**.
6. Plaintiffs' Motion in Limine to Preclude Certain Testimony of William Losey (Document No. 65) is **GRANTED** as follows:
 - a. William Losey may not testify as to patterns the aircraft may have flown or actions its pilots may have taken just prior to the crash unless he observed those patterns or actions.
 - b. William Losey may not testify as to his opinion of Decedent Simeone's confidence, temperament, or flying ability.
 - c. William Losey may not testify as to his opinion of the cause of the crash.

BY THE COURT:



Berle M. Schiller, J.

